

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE CAPITAL ONE TELEPHONE  
CONSUMER LITIGATION ACT  
LITIGATION

This document relates to: ALL CASES

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Master Docket No. 1:12-cv-10064  
MDL No. 2416

**AGREED MOTION FOR ENTRY OF CONFIDENTIALITY ORDER**

Capital One, through counsel, respectfully moves the Court for entry of an agreed confidentiality order. In support of this motion, Capital One states as follows:

1. The parties anticipate that through the course of the above-referenced litigation, the production of certain confidential documents and information will be required.
2. All parties, except individual plaintiff Aimee Hartman, who has yet to respond to Liaison Counsel's attempts to seek agreement, have agreed to the entry of a Confidentiality Order, attached as Exhibit A, which is based upon the Model Confidentiality Order Form LR 26.2, with red-lining additions and deletions in accordance with General Order 12. A copy of the proposed order will be submitted to the Court's Proposed Order email address.
3. This Court has the authority to issue protective orders under Rule 26(c) for good cause. *Louisma v. Automated Fin., LLC*, No. 11-cv-2104, 2011 WL 5105377, \*1 (N.D. Ill. Oct. 27, 2011). Federal Rule of Civil Procedure 26(c)(1)(G) specifically provides that a Court may "order that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way."

4. Entry of this confidentiality order will also expedite the exchange of documents and information by avoiding a document-by-document analysis by the Court. *See Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 946 (7<sup>th</sup> Cir. 1999). The order is not overbroad and includes a provision allowing a party and interested members of the public to challenge the designation of information as confidential. *See id.*

5. The parties anticipate the need to exchange sensitive confidential information including trade secrets, and confidential research, development, or commercial information, which would be valuable to Capital One's competitors. This includes information regarding Capital One's calling and collecting procedures, and account information of Plaintiffs and non-party Capital One customers. To the extent this information includes account information for non-party Capital One customers, Capital One calls the Court's attention to proposed paragraph 18, which orders that production of account records of non-party Capital One customers falls within the exception to the protections of the Gramm-Leach-Bliley Act set forth in 15 U.S.C. § 6802(e)(8).

6. Capital One has, therefore, established that good cause exists for entry of the attached confidentiality order.

WHEREFORE, Capital One respectfully requests that the Court grant this motion and enter the [Proposed] Agreed Confidentiality Order attached hereto as Exhibit A and submitted to the Court's Proposed Order email.

Dated: March 28, 2013

/s/ Aaron Van Oort  
Aaron D. Van Oort (MN No. 315539)  
Eileen M. Hunter (MN No. 0336336)  
Erin L. Hoffman (MN No. 0387835)  
FAEGRE BAKER DANIELS LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Tel.: (612) 766-7000  
Fax: (612) 766-1600  
Email: [aaron.vanoort@FaegreBD.com](mailto:aaron.vanoort@FaegreBD.com)  
Email: [eileen.hunter@FaegreBD.com](mailto:eileen.hunter@FaegreBD.com)  
Email: [erin.hoffman@FaegreBD.com](mailto:erin.hoffman@FaegreBD.com)

*Attorneys for Capital One Bank (USA), N.A.,  
Capital One Financial Corporation, Capital  
One Services, LLC, and Capital One, N.A.*

**CERTIFICATE OF SERVICE**

I certify that on March 28, 2013, a copy of the foregoing **AGREED MOTION FOR ENTRY OF CONFIDENTIALITY ORDER** was filed electronically. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/ Aaron D. Van Oort

Aaron D. Van Oort (MN No. 315539)  
Eileen M. Hunter (MN No. 0336336)  
Erin L. Hoffman (MN No. 0387835)  
FAEGRE BAKER DANIELS LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Tel.: (612) 766-7000  
Fax: (612) 766-1600  
Email: [aaron.vanoort@FaegreBD.com](mailto:aaron.vanoort@FaegreBD.com)  
Email: [eileen.hunter@FaegreBD.com](mailto:eileen.hunter@FaegreBD.com)  
Email: [erin.hoffman@FaegreBD.com](mailto:erin.hoffman@FaegreBD.com)

*Attorneys for Capital One Bank (USA), N.A.,  
Capital One Financial Corporation,  
Capital One Services, LLC, and Capital One, N.A.*